



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.09.2018
CORAM
THE HONOURABLE MR. JUSTICE R.MAHADEVAN

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W.P.No.16493 of 2018
and
W.M.P.Nos.19694 and 28513 of 2018

Chakravarthy Thuhil Maaligai
Represented by its Partner
Arumugam

..Petitioner

Vs

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai.

2.The District Registrar,
District Registrar Office,
81, Old Hospital Road,
Gobichettypalayam.

3.The Joint Sub Registrar-1,
District Registrar Office,
Gobichettypalayam.

.. Respondents

Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a writ of certiorarified mandamus, calling for the records of the 2nd respondent under Na.Ka.No.3175/B1/2017, dated 23.04.2018 and quash the same and direct the 3rd respondent to register the document.

For Petitioner : Mr.Mukund
for M/s.Sarvabhauman Associates

For Respondents : Mr.T.M.Pappiah
Special Government Pleader
(Registration)

O R D E R

The prayer sought for in this writ petition is to quash the order of the second respondent dated 23.04.2018 and consequently direct the third respondent to register the document.

2. The brief facts, in a nutshell, are thus:-

The petitioner is the successful bidder in respect of the properties measuring to an extent of 10690 sq.ft together with a building in Door Nos.40,42,42/A,44/a,44/b and adjoining properties in V.P.Main Road, Veerapandi Village,



Gobichettipalayam Taluk, pursuant to which, sale was confirmed in their favour. However, when the sale certificate was presented for registration, the third respondent refused to register the same on the ground that there was prior attachment found in the encumbrance certificate over the properties. Hence, they filed a petition in W.P.No.14095 of 2017, which by order dated 01.08.2017 was disposed of by this Court, directing the respondents 2 and 3 to receive the document for registration. Thereafter, the petitioner presented the document for registration, but, the second respondent, by order dated 23.04.2018 refused to register the same and directed the petitioner to pay the deficit stamp duty of Rs.10,61,000/-, for registration of a sale certificate issued under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act). Challenging the same, the petitioner is before this Court.

3. However, when the matter is taken up for hearing, the learned counsel for the petitioner, on instructions, submitted that the petitioner is now ready and willing to pay the deficit stamp duty of Rs.10,61,000/-, as demanded by the second respondent and the third respondent may be directed to register the document on payment of the said amount by the petitioner, for which the learned counsel appearing for the respondents has no serious objection.

4. The above submissions made by the learned counsel on either side are recorded. Accordingly, the writ petition stands disposed of, directing the petitioner to pay the deficit stamp duty as demanded by the second respondent and on such payment, the third respondent shall register the document in question. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai.



2.The District Registrar,
District Registrar Office,
81, Old Hospital Road,
Gobichettypalayam.

3.The Joint Sub Registrar-1,
District Registrar Office,
Gobichettypalayam.

+lcc to Mr.Sarvabhuman Associates SR.NO.67535

+lcc to Government Pleader SR.NO.67433

sm:12.10.2018

W.P.No.16493 of 2018

and

W.M.P.Nos.19694 and 28513 of 2018